



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

**MEMORANDUM**

**TO:** The Commission  
Staff Director  
General Counsel  
Press Office  
Public Disclosure

**FROM:** Office of the Commission Secretary 

**DATE:** February 13, 2012

**SUBJECT:** Comment on and Notice of Intent to Appear  
for Draft AO 2012-04  
(Justice Party of Mississippi)

Transmitted herewith is a timely submitted comment and notice of intent to appear from James C. Farrar, Jr. on behalf of the Justice Party of Mississippi.

Draft Advisory Opinion 2012-04 is on the agenda for Thursday, February 16, 2012.

Attachment



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Jackson, MS 39202  
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www.JusticePartyofMississippi.org



**Fax-**



James C. Farrar, Jr

**To:** Office of the Commission Secretary      **From:** Justice Party of Mississippi  
Treasurer and Director of Daily Affairs

**Fax:** 202-208-3333      **Pages:** 4, Inc. Cover

**Date:** 2-12-2012

**Re:** February 16,2012 Public Meeting,      Office of General Council  
Public Comment for.      cca  
FEC AO 2012-04 Draft AOR      Fax: 202-219-3923

Urgent     Please Confirm via e-mail to: [justicepartyofmississippi@gmail.com](mailto:justicepartyofmississippi@gmail.com)     See Comment

● **Comments:**

Dr. Paul Zeist will be representing Justice Party of Mississippi at the FEC Public hearing concerning the 'Draft Report: ADVISORY OPINION 2012-04 '-hearing set for February 16, 2012, at 10 a.m. EST – Address: 999 E.S.t NW; Washington, DC 20463; 9th Floor 'Meeting Room'.

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## February 11, 2012: Justice Party of Mississippi Response to Draft Advisory Opinion Report- FEC AO 2012-04 Draft AOR

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### Justice Party of Mississippi's Formal Comment and Response to FEC AO 2012-04 Draft AOR:

We at Justice Party of Mississippi would like to thank the Commission for timely action regarding Justice Party of Mississippi's AOR (Request) and AOR (Report).

Justice Party agrees with the Draft report in all areas except one. The following Sections all refer to this one difference:

- 1) AO 2012-04 Draft Page 4 "To qualify as a political party, JPMS must have at least one candidate for Federal office whose name appears on the ballot as a candidate of JPMS."
- 2) AO 2012-04 Draft Page 5 "JPMS will have succeeded in obtaining ballot access for at least one candidate for Federal office, satisfying the first requirement for recognition as a State committee of a political party."<sup>2</sup> AND "<sup>2</sup> In Advisory Opinion 1995-49 (Natural Law Party of Texas), the Commission concluded the Natural Law Party of Texas was not yet a State party committee of a national party because, under Texas law, the Texas Party still had to complete petition drives in order to have its eventual nominees placed on the ballot. However, the Commission concluded that once the Texas Party did place Federal candidates on the ballot, it would become a State party committee of a national party. Similarly, here, under Mississippi law, JPMS represents that whomever it chooses as its nominees for office will have ballot access. "
- 3) AO 2012-04 Draft Page 6 & 7: P.6 "In sum, JPMS will satisfy all three parts of the definition of a State committee when at least one individual who ultimately is chosen as a JPMS nominee for Federal office appears on the election ballot and meets the definition of a "candidate" within the meaning of the Act and Commission regulations. The Commission therefore concludes" Continuing directly to P.7 "that JPMS will qualify as a state committee of a political party under the Act and Commission regulations when that condition is met."<sup>3</sup> and "<sup>3</sup> JPMS need not reapply to the Commission for recognition of State committee status when this condition is met. See Advisory Opinion 1995-49 n. 3 (noting that, once the Texas Party obtained ballot access for its Federal candidates, it need not reapply for recognition of state committee status). In the interim, since JPMS is currently registered as a State party committee but does not yet qualify as such, it should update its Form 1 to indicate that it is a nonconnected political committee. Once JPMS succeeds in obtaining ballot access for at least one candidate for Federal office, it may update its Form 1 to register as a State party committee. At that time, JPMS should include a Form 99 indicating that, pursuant to this advisory opinion, it has met the outstanding condition by placing a candidate on the ballot. "

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The issue in question at this time for the Commission will be: In its Draft-Advisory Opinion Report the FEC states that "To qualify as a political party, JPMS must have at least one candidate for Federal office whose name appears on the ballot as a candidate of JPMS."

### **According to:**

#### ***FEC's Federal Election Campaign Guide: Political Party Committees 2009***

"A state party committee is the organization that by virtue of the bylaws of a political party or by the operation of state law is part of the official party structure and is responsible for the day-to-day operation of a political party at the state level, including any entity established, maintained, financed or controlled by the organization. 100.14(a).

"Whether an organization qualifies as a state party committee is determined by the Commission. Committees desiring such a determination should submit an advisory opinion request to the Commission.

"Three requirements must be met in order for a committee to qualify as a state party committee: •

- ✓ "First, the committee must achieve ballot access for at least one federal candidate in the state;
- ✓ "Second, the committee must possess an official party structure;
- ✓ "Third, the relationship between the political party and the committee must be based on an agreement that requires the committee to perform activities commensurate with the day-to-day operation of the party on a state level (such as raising contributions; assisting candidates' fundraising efforts; conducting voter registration drives; holding state conventions; and nominating candidates for state and federal office). See AOs 2008-13, 2008-12 and 2007-23"

*Since The Draft report Admits we have fulfilled 2 and 3 the only area in question is: "First, the committee must achieve ballot access for at least one federal candidate in the state"*

Response to 1) above- According to the Publication Rule: Access for one federal candidate is required not naming one on a ballot. Access has been gained by Justice Party of Mississippi regardless of if a name has been placed on the ballot or not at this time. This can be easily verified by the Mississippi Secretary of State's Office.

Response to 2) above - Advisory Opinion 1995-49 (Natural Law Party of Texas), does not apply to this situation, there are no further obstacles like gaining petition signatures to get those candidates access, all Justice Party of Mississippi has to do is name those candidates and since no filing form or fee is required in Mississippi for the office of president, just a submission from the party of the name of the candidate to the Mississippi Secretary of State. So to end I restate that 2) from above has no bearing on the matter of Justice Party of Mississippi and reference to it should be removed from the Report. Forcing Justice Party of Mississippi to amend its bylaws to name a candidate now, while legal would be unfair, undemocratic, and would violate the legitimate values and principles Justice Party of Mississippi holds. Requiring Justice Party of Mississippi to do this to obtain State recognition immediately would constitute unfair government infringement on party structure. Summary: Justice Party of Mississippi has access; in the Texas case the candidate had additional requirements that do not apply in this case, because no additional candidate requirements have to be met for Justice Party of Mississippi to name a Presidential candidate.

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Response to 3) above: If the truth of our 'Response to 1)' is recognized by the Committee it makes the need to remove the wording from '3)' above necessary also.

Lastly on this issue, I would like to say that the FEC Publications require "obtaining ballot access" and all requirements have been factually met and we have "fully obtained ballot access for one federal candidate" whether or not that candidates name is listed yet or not, and Justice Party of Mississippi has met all the requirements set by the FEC Publications for State Party Recognition and Status. **FACT:** 'Access' is the word used by the FEC not 'named on a ballot'.

To conclude, Justice Party of Mississippi submits formally and with all due respect, that we request that the 'Draft-Advisory Opinion Report' be modified to a full approval as a State Committee, since that refusal to grant the request will limit Justice Party of Mississippi unfairly against other political parties in the State of Mississippi., A refusal will also slow down Justice Party USA from filing an Advisory Opinion Request to be recognized as a National Party. Also, Justice Party of Mississippi feels these delays will substantially harm its ability to fairly participate in the 2012 Election Cycle financially; according to the United States Supreme Court ruling, 2010 Citizens United vs. FEC, this violates Justice Party of Mississippi's Free Speech Rights. Also a denial of our AOR for full State Party Status gives a public perception of illegitimacy which again implies a negative conception which will impact the Justice Party of Mississippi's Free Speech Rights, by association and inference.

Thanks,

James C. Farrar, Jr.

Treasurer and Director of Daily Affairs: Justice Party of Mississippi

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